

**\*E-FILED - 5/6/11\***

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ROGER LOWTHER, an individual,

Plaintiff,

vs.

EXEL GLOBAL LOGISTICS RETIREMENT  
PLAN; EXEL GLOBAL LOGISTICS, INC.,  
DPWN HOLDINGS (USA), INC.; and  
EMPLOYEE BENEFITS COMMITTEE OF  
DPWN HOLDINGS (USA), INC.,

Defendants.

Case No. C-11-00350-RMW

ORDER TO SHOW CAUSE WHY  
SETTLEMENT HAS NOT BEEN PAID

Defendants represented in the Joint Case Management Conference Statement filed May 2, 2011 and at the conference on May 6, 2011 that the parties' dispute was settled by the settlement reached in Action No. C-09-03320. Plaintiff does not disagree and he dismissed Action No. C-09-03320 on December 7, 2010 on the basis of that settlement. However, defendants have not paid the settlement. Therefore,

IT IS HEREBY ORDERED that a principal of defendants with full authority to authorize and make payment of the settlement personally appear on May 20, 2011 at 1:30 p.m. and show cause as to why the settlement has not been paid. If the settlement is paid by Defendants in full by cashier's check or similar payment delivered to plaintiff's counsel before May 20, 2011, this order to show

1 cause will be vacated and Action No. C-09-03320 and this action will be dismissed with prejudice as  
2 promised by plaintiff.

3 A failure to comply with this order may subject defendants to sanctions and contempt of  
4 court.

5 DATED: May 6, 2011

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RONALD M. WHYTE  
United States District Judge

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